

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
LANCE D. MCCLURE AND	:	LS0902029BAC
RACINE HAIR DESIGNERS, INC.,	:	
RESPONDENTS.	:	

Division of Enforcement Case File # 06 BAC 110

The parties to this action for the purpose of Wis. Stats. § 227.53 are:

Lance D. McClure
5429 Spring Street
Racine, WI 53406

Racine Hair Designers, Inc.
5429 Spring Street
Racine, WI 53406

Barbering and Cosmetology Examining Board
P.O. Box 8935
Madison, WI 53707-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Barbering and Cosmetology Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

- Respondent Lance D. McClure is licensed in the State of Wisconsin as a Barbering or Cosmetology Manager, license # 81-11181. This license was first granted to him on 05/04/1971 and is current through 03/31/2009. The most recent address on file with the Department of Regulation and Licensing for Mr. McClure is 5429 Spring Street, Racine, WI 53406.
- Respondent Racine Hair Designers, Inc. is licensed in the State of Wisconsin as a Barbering and Cosmetology Establishment, license # 80-26047. This license was first granted to it on 11/01/1996 and is current through 03/31/2009. The most recent address on file with the Department of Regulation and Licensing for Racine Hair Designers, Inc. is 5429 Spring Street, Racine, WI 53406.
- Mr. McClure is listed with the Department of Regulation and Licensing as the owner of Racine Hair

Designers, Inc. As owner, Mr. McClure was at all times relevant to this action responsible for compliance with Wis. Stat. Ch. 454 and Wis. Admin. Code §§ BC 2, BC 3 and BC 4.

4. In September 2006, a complaint was received by the Department alleging that Mr. McClure was renting chairs to individuals who did not have their own separate establishment and manager's licenses.

5. Pursuant to Wis. Admin. Code § BC 3.02(2), the owner of a barbering and cosmetology establishment may lease a chair to a licensed individual as long as there is a written lease agreement and the lessee holds a manager's license and an establishment license. This rule has been in effect since October 1, 2003, with a 1-year grace period for getting into compliance for any person renting a chair prior to the October 1, 2003 effective date.

6. Investigation revealed that Mr. McClure rented chairs to four people who did not hold separate establishment licenses. Of those four chair rentals, one person did have a manager's license, two did not have manager's licenses, and one had an expired manager's license.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Respondents Lance D. McClure and Racine Hair Designers, Inc. have violated Wis. Admin. Code § BC 2.04(1) by renting chairs to persons who do not hold the required separate establishment and manager's licenses. As a result, Lance D. McClure and Racine Hair Designers, Inc. are subject to discipline pursuant to Wis. Stat. § 454.15(2)(i).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Lance D. McClure (license # 81-11181) and Racine Hair Designers, Inc. (license # 80-26047), are hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondents Lance D. McClure and Racine Hair Designers, Inc. shall, jointly and severally, pay a FORFEITURE in the amount of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) and shall, jointly and severally, pay COSTS in the amount of EIGHT HUNDRED DOLLARS (\$800.00).

IT IS FURTHER ORDERED that:

3. A down payment of **FOUR HUNDRED TWELVE DOLLARS AND FIFTY CENTS (\$412.50)** shall be submitted within ninety (90) days from the date of this order and seven more payments of **(\$412.50)** will be due every ninety (90) days from the previous payment until the full **THREE THOUSAND THREE HUNDRED DOLLARS (\$3,300.00)** is paid. Payments shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondents' licenses. The Board in its discretion may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of

any of the terms of this Order. In the event Respondents fails to timely submit any payment as ordered, then the Respondents' licenses (# 81-11181 and # 80-26047) SHALL BE SUSPENDED without further notice or hearing until Respondents have complied with the terms of this Order.

5. This Order is effective on the date of its signing.

IT IS FURTHER ORDERED that file 06 BAC 110 is hereby closed.

Dated this 2nd day of February, 2000.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush